

REMARKS

Applicant is in receipt of the Office Action mailed February 24, 2006. Claims 48-79 were rejected. Claims 48-79 have been canceled, and new claims 80-108 have been added. Claims 80-108 are currently pending in the application. Reconsideration of the case is earnestly requested in light of the following remarks. A Request for Continued Examination is being submitted with this amendment.

Applicant respectfully submits that the prior art does not teach the subject matter recited in new claims 80-108. For example, claim 80 recites as follows:

80. (New) A computer-implemented method for creating a graphical program, the method comprising:

receiving user input requesting inclusion of a user interface element in the graphical program, wherein the user interface element has a block diagram associated with the user interface element before said receiving the user input; and

including the user interface element in the graphical program in response to the user input, wherein said including the user interface element in the graphical program comprises automatically including the block diagram associated with the user interface element in the graphical program;

wherein, during execution of the graphical program, the block diagram associated with the user interface element is operable to control functionality of the user interface element. (*Emphasis added*)

The cited references do not teach the concept of including a user interface element in a graphical program in response to user input, wherein the user interface element has a block diagram associated with the user interface element before receiving the user input, and wherein including the user interface element in the graphical program comprises automatically including the block diagram associated with the user interface element in the graphical program.

Claim 99 recites as follows:

99. (New) A computer-implemented method for associating a first block diagram with a user interface element, the method comprising:

displaying the user interface element;
receiving user input specifying the first block diagram to associate with the user interface element, wherein the first block diagram includes a plurality of nodes visually indicating functionality of the user interface element; and
associating the first block diagram with the user interface element, wherein the first block diagram is operable to control functionality of the user interface element;
wherein after said associating the first block diagram with the user interface element, the user interface element is selectable for inclusion in a graphical program such that the first block diagram associated with the user interface element is automatically included in the graphical program in response to including the user interface element in the graphical program. (*Emphasis added*)

The cited references do not teach the concept of associating a first block diagram with a user interface element, wherein after said associating the first block diagram with the user interface element, the user interface element is selectable for inclusion in a graphical program such that the first block diagram associated with the user interface element is automatically included in the graphical program in response to including the user interface element in the graphical program.

Applicant thus respectfully submits that claims 80 and 99 are patentable over the prior art. Inasmuch as the other independent claims recite limitations similar to those mentioned above, Applicant respectfully submits that the other independent claims are also patentable over the prior art.

Applicant also respectfully submits that numerous ones of the dependent claims recite further distinctions over the prior art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Section 103 Rejections

Claims 48-57, 59-71, and 74-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kawachi et al. (U.S. Patent No. 6,690,981 B1, hereinafter "Kawachi") in view of King et al. (U.S. Patent Application No. 2003/0071845 A1, hereinafter "King"). Claims 58 and 72-73 were rejected under 35 U.S.C. 103(a) as being

unpatentable over Kawachi in view of King and Kodosky et al. (U.S. Patent No. 5,301,301, hereinafter "Kodosky").

These claims have now been canceled, thus rendering these rejections moot. However, Applicant notes that 35 U.S.C. 103(c)(1) states:

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Applicant notes that the King reference would only be prior art only under 35 U.S.C. 102(e), and the subject matter of the King reference and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person (National Instruments Corp.). Thus, Applicant respectfully submits that King is not available as a reference to preclude patentability of the claimed invention.

Furthermore, Applicant notes that the effective date of the King reference is October 12, 2001, which is only 11 days before the filing date of the present application. Applicant notes that the claimed invention was established prior to the effective date of the King reference. However, Applicant has not filed an affidavit or declaration of prior invention under 37 CFR 1.131 at this time. Applicant believes it is not necessary to do both because King is not available as a reference to reject the present claims, as discussed above, and also because the cited references do not teach the claimed subject matter.

CONCLUSION

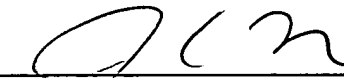
In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-46000/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Request for Continued Examination Transmittal

Respectfully submitted,



Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
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